

September 22, 2017

Electronic Filings (ECFS)
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Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

RE: Exparte: Non-Compete Rules
Docket # VRS 10-15 / 03-123

To Whom It May Concern:

On September 20, 2017, I had the pleasure of speaking with Deputy Chief of the Disability Rights Office at the Federal Communications Commission, Mr. Eliot Greenwald. Per our conversation I am submitting this comment for review regarding VRS non-compete rules.

I have been in the interpreting field for 15 years and have worked for Sorenson, ZVRS, and two smaller agencies through the years. I also interpret in the medical, community, theatrical and educational fields.

The standard practice of VRS companies enforcing non-compete rules limits competition and is stunting the potential growth of the industry in several ways, negatively affecting interpreters and consumers. Allowing the enforcement of the rule creates high barriers to entry for new companies, one of the most compromising barriers is the inability to find interpreters who are not already employed by the duopoly that controls the market. After conducting several focus groups, one concern of interpreters are a fear of legal repercussions if a decision is made to switch VRS companies. I left Sorenson on good terms as interpreter of the year for the western region, yet I received a letter stating it was policy that if an employee leaves they will not be invited back to work and I received a letter from an attorneys office stating I would be in breach of contract if I worked for any other VRS company for six months. It was a great hardship to wait the required time. Recently, other VRS providers sent notice to employees with warnings similar to what I received after leaving Sorenson. A new company would not be able to enter the market because they would not have access to interpreters.

Worse, Sorenson is also now underbidding for local contracts to send freelance interpreters to community jobs, severely lowering revenue for local interpreting agencies and potentially creating even less competition if they begin to control both the VRS market as well as the community market while applying non-compete rules. One of the most critical concerns for the Deaf and interpreting communities when VRS companies established business is that consumers would struggle to get local interpreters. With the non-compete rule, VRS companies entering the local freelance interpreting market creates silos where interpreters cannot flow where they are needed, hurting the Deaf community.

Like me, most interpreters are not employed as full time employees with benefits, and are limited by the VRS companies to a maximum amount hours per week so they remain un-benefited employees. Interpreters need to fill their schedules to make a living through many different venues but non-compete rules make that difficult. I have known interpreters whose employment was terminated because they worked as a 1099 contractor for another company,. Terminated even when the terminating company was advertising a hiring frenzy because they were experiencing very long hold times for their consumers.

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Non-compete rules stop the need for companies to compete for interpreters, stalling innovation of technology and diminishing the need for ethical business practices for employees. It also promotes the rapid closure of interpreter training programs we are seeing because the ceiling for success in the interpreting industry is very low and there is little incentive to enter the field. Companies choosing to withhold benefit options by limiting the amount of hours interpreters are allowed to work and then adding no compete rules puts undue burden on interpreters. Presently there are only four companies competing for market share in the VRS market. Only two new VRS companies have entered the market in recent times and that was over six years ago, and the market share they hold is still minimal. There is a lack of innovation and technology for communication. Advances are much behind the curve of advances in the hearing world. The market needs to be open so competition creates more innovation and encourages entry into the field for new companies as well as new interpreters.

Interpreters are not selling a product for VRS companies, there is not conflict of interest based on technology. Technology is not what drives sales for VRS companies. The biggest factor in maintaining customers for VRS companies are the skill of their interpreters. Interpreted minutes are the only source of revenue for VRS companies, so the no compete rule is maintained because of the value of the interpreter is the dominant factor in controlling market share. I urge the commission to eliminate the no-compete rules which only protect the market by keeping status quo for the duopoly and stagnates the market.

Respectfully Submitted,

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